

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DAVID LOSOYA,)
Plaintiff,)
vs.)
JEAN S. WOODFORD, et al.,)
Defendant(s).)

) No. C 05-00509 JW (PR)
) ORDER ADDRESSING REQUEST
) FOR COPIES
)
) (Docket No. 29)
)

On February 3, 2005, plaintiff, a California prisoner currently incarcerated at Pelican Bay State Prison (“PBSP”) in Crescent City, filed a pro se civil rights action under 42 U.S.C. § 1983 against various PBSP employees for violations of plaintiff’s constitutional rights.

Plaintiff's original complaint was dismissed with leave to amend, and plaintiff's two requests for leave to file a supplemental complaint were also denied. Plaintiff filed a motion to combine the complaint and supplemental complaint into an amended complaint which was DENIED as combining the complaint and supplemental complaint would not cure the deficiencies in the original complaint. Plaintiff was given until December 12, 2007, to file an amended complaint to correct

1 the deficiencies in the original complaint in order to proceed with this action.

2 Plaintiff requested copies of his original complaint, the exhibits attached
3 thereto, and his supplemental complaint. On November 29, 2007, the clerk of this
4 Court sent plaintiff a notice stating the total cost for the copies of these documents
5 with instructions on remitting payment. On December 10, 2007, plaintiff returned
6 the notice without any payment, stating that he was granted in forma pauperis status.
7 Plaintiff repeated his request for copies.

8 A plaintiff who has been granted in forma pauperis status under 28 U.S.C. §
9 1915(a) is not exempt from other court related costs, including the cost of
10 reproduction. Plaintiff is responsible for the cost of copies as stated on the notice
11 from the clerk of the Court. However, in the interests of justice, the Court will
12 provide plaintiff with a copy of his original complaint without charge. If plaintiff
13 wants copies of the other documents, *i.e.*, supplemental complaint and exhibits to the
14 complaint, plaintiff must pay the cost (\$78.00) to the Court.

15
16 **CONCLUSION**

17 For the reasons stated above, the Court orders as follows:

18 1. Plaintiff is granted an extension of time of **thirty (30) days** to file an
19 amended complaint. Plaintiff must file an amended complaint **no later than**
20 **January 11, 2007**, using the court's form civil rights complaint. Plaintiff shall
21 complete the form, and include in the caption both the case number of this action
22 (No. C 05-00509 JW (PR)), and the phrase "**AMENDED COMPLAINT.**"

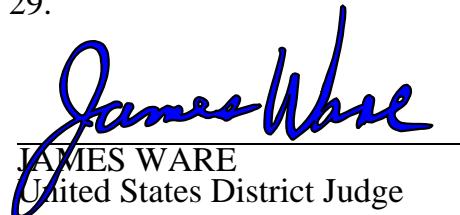
23 2. The amended complaint supersedes the initial complaint and may not
24 incorporate by reference any parts of the original complaint; plaintiff must include in
25 the amended complaint all the allegations and claims he wishes to present. **If**
26 **plaintiff fails to timely file an amended complaint in conformity with this order,**
27 **the complaint will be dismissed.**

1 3. It is plaintiffs' responsibility to prosecute this case. Plaintiff must
2 keep the court informed of any change of address and must comply with the court's
3 orders in a timely fashion. Failure to do so may result in the dismissal of this action,
4 pursuant to Federal Rule of Civil Procedure 41(b), for failure to prosecute.

5 The clerk shall enclose the following with a copy of this order: 1) a copy of
6 the court's form complaint; 2) a copy of plaintiff's original complaint (Docket No.
7 1); and 3) a "Request for Photocopies" notice addressing plaintiff's request for the
8 supplemental complaint and exhibits to complaint. See e.g., Docket No. 27.

9 This order terminates Docket No. 29.

10 DATED: December 17, 2007



JAMES WARE
United States District Judge